United Nations CRPD/C/DEU/Q/1

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Germany*

A. Purpose and general obligations (arts. 1–4)

General obligations (art. 4)

1. Please provide information with regard to each of the 16 Länder on their understanding and implementation of their legal obligations under the Convention on the Rights of Persons with Disabilities and on their action plans for implementation of the Convention, including information on how the human rights of the most marginalized groups are addressed, for example people in institutions.

2. Please state to what extent organizations of persons with disabilities have participated in the development and monitoring of national European Social Fund programmes and to what extent persons with disabilities will benefit from these programmes.

3. Please explain what measures have been taken to ensure that both existing and new legislation complies with the Convention on the Rights of Persons with Disabilities. How have the Federal and Länder Governments harmonized their existing and draft legislation with the obligations under the Convention?

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

4. Please provide a timescale for when the legal right to reasonable accommodation will be put into place by both the Federal Government and the Länder Governments, including policies that classify the denial of reasonable accommodation as discrimination, as raised in 2013 as part of the universal periodic review process (A/HRC/WG.6/16/DEU/1).

* Adopted by the pre-sessional working group at its first session (14–17 April 2014).

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Accessibility (art. 9)

5. What plans does the State party have to extend the current legal requirements so as to enable barrier-free access to private entities that provide goods and services to the public, as was raised in 2013 in the national report of the State party submitted in connection with the universal periodic review process (A/HRC/WG.6/16/DEU/1)?

Equal recognition before the law (art. 12)

6. Please provide an update on any changes that have been made to the existing custodianship system, including details of measures taken to provide supported decision-making where substituted decision-making currently takes place.

7. Please clarify how the term "reservation of consent" *(Einwilligungsvorbehalt)*, whereby the individual retains legal capacity to act on his/her own behalf provided that he/she subjects himself/herself to the consent of the custodian, complies with article 12 of the Convention.

Access to justice (art. 13)

8. Please provide updated information on procedural accommodations and accessibility improvements in law enforcement agencies and courts, that have been instituted in order to improve access to justice for persons with disabilities.

9. Please clarify whether both federal and Länder courts are subject to the legal obligations under the Convention on the Rights of Persons with Disabilities.

10. Please provide information on whether persons with disabilities living in specialized centres have access to complaint mechanisms, as was raised in 2013 in the national report of the State party submitted in connection with the universal periodic review process (A/HRC/WG.6/16/DEU/1).

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

11. Section 40 of the *Arzneimittelgesetz* allows persons with reduced legal capacity, for example children with disabilities, to be the subjects of scientific research without their free and informed consent. Please explain how this practice is in compliance with article 15, paragraph 1, of the Convention.

Freedom from exploitation, violence and abuse (art. 16)

12. How many irreversible surgical procedures have been undertaken on intersexual children before an age at which they are able to provide informed consent? Does the State party plan to stop this practice?

13. Please provide up-to-date statistics on forced sterilizations of persons, i.e. without their free and informed consent.

Protecting the integrity of the person (art. 17)

14. Please provide information on the numbers of cases in which compulsory and involuntary treatment has been conducted since February 2013. In how many cases was the new legislation (section 1906 of the *Bürgerliches Gesetzbuch*) invoked?

Living independently and being included in the community (art. 19)

15. Please provide updated information on deinstitutionalization in relation to housing (including accessible infrastructure) and psychiatric hospitals.

16. Please provide a breakdown of comparable costs for persons with disabilities (a) to reside in an institutional facility, including the cost of the agency fees (*Mehrkostenvorbehalt*); and (b) for independent living in the community.

Respect for home and the family (art. 23)

17. Please indicate what support is given to parents, whether working or otherwise, to take care of children with disabilities so as to enable them to remain at home rather than reside in an institution.

Education (art. 24)

18. Please provide the rate of inclusion, between 2008 and 2014, of children with disabilities, by percentage and in numbers, disaggregated by external and integration classes and for each Land (State).

19. What measures has the Federal Government taken to ensure that the Länder comply with the obligation of article 24 to develop an inclusive education system? As was raised in 2013 in the national report of the State party submitted in connection with the universal periodic review process (A/HRC/WG.6/16/DEU/1), please provide details of plans by the Länder in this regard, including budget allocations and evidence of their understanding of the legal obligations under the Convention on the Rights of Persons with Disabilities.

Work and employment (art. 27)

20. As the number of persons with disabilities who are permanently employed in the 700 segregated sheltered employment workshops continues to rise, what measures are being put in place to support persons with disabilities in participating in the open labour market, as was mentioned in the concluding observations of the Committee on Economic, Social and Cultural Rights made in 2011 (E/C.12/DEU/CO/5) and the national report of the State party submitted in connection with the universal periodic review process (A/HRC/WG.6/16/DEU/1).

21. Please provide information on the number of workplaces that have implemented provisions relating to accessibility (*Arbeitsstättenverordnung*) and the number of employers who have provided reasonable accommodation according to the workplace regulations.

Participation in political and public life (art. 29)

22. Please provide information on persons with disabilities who are excluded from the right to vote as well as on what changes are required so that all persons with disabilities have the ability to participate in elections.

C. Specific obligations

Statistics and data collection (art. 31)

23. Please explain what measures are envisaged to develop a human rights–based indicator system in cooperation with persons with disabilities and their representative organizations, as well as a comprehensive data collection system that includes children with disabilities as recommended by the Committee on the Rights of the Child (CRC/C/DEU/CO/3-4).

International cooperation (art. 32)

24. Please provide an update on steps taken to measure the degree of mainstreamed action for persons with disabilities in the general programmes and projects, as well as the

quality and impact of programmes and projects that specifically target persons with disabilities, including details of the budget allocation.

National implementation and monitoring (art. 33)

25. What initiatives have been taken to ensure full coordination of the disability commissioners' work, between each Land and the Federal Government, and between all 16 Länder collectively and the Federal Government?